

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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INDIANAPOLIS, INDIANA 46204-2764

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PETITION OF PSI ENERGY, INC., PURSUANT  
TO IND. CODE § 8-1-2-6.8 AND 170 I.A.C 4-6-1  
ET. SET. REQUESTING THAT THE COMMISSION  
APPROVE THE USE OF CERTAIN QUALIFIED  
POLLUTION CONTROL PROPERTY

CAUSE NO. 42622

PETITION OF PSI ENERGY, INC. PURSUANT  
TO INDIANA CODE §§ 8-1-2-6.1, 8-1-2-6.7, 8-1-2-6.8,  
8-1-2-23, 8-1-8.7, 8-1-8.8, 8-1-27, 8-1-2-42(a), 8-1-2.5  
AND 170 I.A.C. 4-6-1 ET. SEQ. REQUESTING THAT  
THE COMMISSION: (1) APPROVE PSI'S "PHASE 1"  
PLAN FOR COMPLYING WITH PENDING SO<sub>2</sub>,  
NO<sub>x</sub>, AND MERCURY EMISSIONS REDUCTION  
REQUIREMENTS; (2) APPROVE THE USE OF  
CERTAIN QUALIFIED POLLUTION CONTROL  
PROPERTY AND CLEAN COAL AND ENERGY  
PROJECTS; (3) GRANT PSI CERTIFICATES OF  
PUBLIC CONVENIENCE AND NECESSITY FOR  
CLEAN COAL TECHNOLOGY; (4) APPROVE THE  
USE OF CONSTRUCTION WORK IN PROGRESS  
RATEMAKING TREATMENT; (5) APPROVE  
CERTAIN FINANCIAL INCENTIVES IN  
CONNECTION WITH PSI'S COMPLIANCE PLAN,  
INCLUDING THE TIMELY RECOVERY OF COSTS  
INCURRED DURING THE CONSTRUCTION AND  
OPERATION OF THE CLEAN COAL  
TECHNOLOGY PROJECTS, AND THE USE OF  
ACCELERATED DEPRECIATION; (6) GRANT PSI  
AUTHORITY TO DEFER POST-IN-SERVICE  
CARRYING COSTS, DEPRECIATION COSTS, AND  
OPERATION AND MAINTENANCE COSTS ON AN  
INTERIM BASIS UNTIL THE APPLICABLE COSTS  
ARE REFLECTED IN PSI'S RATES;  
(7) AUTHORIZE THE RECOVERY OF OTHER  
RELATED COSTS; AND (8) CONDUCT ONGOING  
REVIEWS OF THE IMPLEMENTATION OF PSI'S  
COMPLIANCE PLAN

CAUSE NO. 42718

**FILED**

**OCT 28 2004**

**INDIANA UTILITY  
REGULATORY COMMISSION**

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On October 8, 2004 pursuant to 170 I.A.C. 1-1.1-4, PSI Energy, Inc. ("PSI" or "Petitioner") filed a *Motion for Protection of Confidential and Proprietary Information* ("Motion") in this Cause. In its Motion, the Petitioner indicates that certain information related to financial, power, fuel and emission allowance forecasts, specific NO<sub>x</sub>, SO<sub>2</sub> and Mercury Emissions Compliance Plan project

costs, confidential Integrated Resource Plan ("IRP") information, production and delivery cost information, power purchase and sales information, and data relating to ICF Consulting Forecasts, that it may file in its testimony and exhibits constitute confidential, trade secret and proprietary information ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner included the sworn *Affidavits of Douglas F Esamann and Judah L. Rose* ("Affidavits"). The Affidavits have been placed in the Commission's official file in this matter and are hereby incorporated by reference.

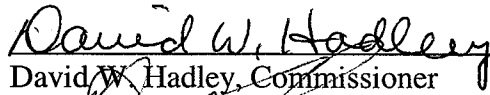
PSI also indicates in its Motion that it believes there may be additional information that it may submit that contains confidential, trade secret and proprietary information, which has not been specifically identified to date. In addition, certain information requested by parties to these Causes in the discovery process may be confidential trade secret and proprietary. PSI requests that such additional information and responses that PSI designates as confidential be preliminarily excepted from the public access provisions of Ind. Code § 8-1-2-29 until a final determination can be made that such information is confidential.

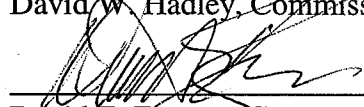
170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

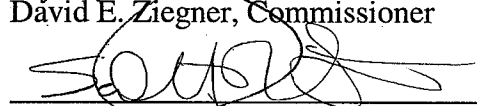
The Presiding Officers, having considered Petitioner's Motion and accompanying Affidavits, find there is a sufficient basis for a determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. However, in reaching this determination, we do not find that additional information and responses identified and designated as confidential by PSI during the course of this proceeding should be covered by determinations reached in this Docket Entry. In the event that PSI determines that certain additional information, not covered by this Docket Entry, should be treated as confidential it should provide a separate application and sworn statement regarding the additional information in accordance with the provisions set forth in 170 I.A.C. 1-1.1-4.

Accordingly, Confidential Information meeting the criteria set forth in this Docket Entry should be hand delivered to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause Numbers noted thereon, along with an indication of the type of information (from the general categories of Confidential Information identified in this Docket Entry) being provided. Confidential Information meeting the criteria set forth in this Docket Entry shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

**IT IS SO ORDERED.**

  
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David W. Hadley, Commissioner

  
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David E. Ziegner, Commissioner

  
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Scott R. Storms, Chief Administrative Law Judge

Date: October 28, 2004